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EXAMINER
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FOX, BRYAN J

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/000,477

Applicant(s)

PETITE, THOMAS D.

Examiner

Bryan J. Fox

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-63,66-87,90-92 and 94-98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63,66-87,90-92 and 94-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3, 4, 8, 13-18, 20, 22, 23, 27-30, 32-35, 37, 41, 42, 44, 45, 49, 57-60, 63, 66-68, 70, 71, 73, 74, 81-84, 87, 90-92 and 94-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al (WO 00/23956 A1) in view of Smith et al (US 4,993,059).

Regarding claim 1, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see page 4, lines 3-5) that uses a personal security transmitter with a identification number (see page 5, line 19 - page 6, line 3), which reads on the claimed "system which communicates emergency messages, comprising: at least one emergency message transceiver having a first identification code and configured to

generate an emergency message". The system includes personal security transmitters, each having a unique number that can be used to identify the transmitter sending the transmission packet signal (see page 5, line 19 - page 6, line 3), which reads on the claimed "plurality of network transceivers, each network transceiver having a unique identification code". The personal security transmitter sends a message to a base station (see page 5, line 19 - page 6, line 14), and each base station also has an identification number (see page 8, lines 3-11) and therefore also reads on the claimed network transceiver. The personal security transmitter sending the message to the base station (see page 5, line 19 - page 6, line 14) reads on the claimed system "configured to communicate the emergency message with other network transceivers". The base station receiving the message also reads on the claimed "at least one transceiver unit configured to communicate the emergency message with at least one of the network transceivers". The base station creates a packet with the information including the information from the original message and sends it to a command center (see page 8, lines 3-11), which reads on the claimed "at least one site controller coupled to the transceiver unit, the site controller configured to communicate the emergency message between the transceiver unit and an intermediary communication system such that the emergency message is communicated with an emergency message management controller coupled to the intermediary communication system", where the base station includes the claimed "site controller" and the command center reads on the claimed "emergency message management controller". The medium over which this message must be sent reads on the claimed "intermediary communication system".

Rieser fails to expressly disclose a cellular transceiver configured to communicate with a cellular communication network and a predetermined path.

In a similar field of endeavor, Smith et al disclose an alarm system with a cellular transceiver (see column 5, lines 39-54) where only one communication path can be established between the cellular transceiver and the ultimate called destination (see column 5, lines 55-67), which reads on the claimed, "cellular transceiver configured to communicate with a cellular communication network," and the communication over a "predetermined path."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a conventional cellular telephone system and a predetermined path of communication in order to provide an efficient, cost-effective and reliable cellular-type telephone system included within an alarm system as suggested by Smith et al (see column 2, lines 47-55).

Regarding claim 13, the combination of Rieser et al and Smith et al discloses that a base station packet is created that includes the transmitter identification number as well as a base station identification number (see Rieser et al page 8, lines 3-11) and that the base station identification number may give location through database lookup (see page 38, lines 26-29). The base station identification number reads on the claimed "communication transmission path is defined by at least one of the unique identification codes of the network transceivers and the first identification code of the emergency message transceiver", and the location through database lookup reads on the claimed

"the communication transmission path being used to identify the location of the emergency message transceiver".

Regarding claim 14, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see page 4, lines 3-5) that uses a personal security transmitter with a identification number (see page 5, line 19 - page 6, line 3), which reads on the claimed "system which communicates an emergency message generated by an emergency message transceiver having a unique identification code". A base station packet is sent to a command center containing a base station identification number, a transmitter identification number and other information (see page 8, lines 3-11), which reads on the claimed "interface configured to receive the emergency message communicated through an intermediary communication system coupled to the interface, and the emergency message having at least the unique identification code of the emergency message transceiver". The transmitter identification number is used to retrieve personal identification information from a data base (see page 9, line 12 - page 10, line 2), which reads on the claimed "memory having data, the data including at least an identification code corresponding to the emergency message transceiver's unique identification code" and "a processor coupled to the interface and the memory, and configured to associate the received emergency message and the data by associating the identification code of the emergency message with the identification code of the data". Rieser fails to expressly disclose a cellular transceiver configured to communicate with a cellular communication network and a predetermined path.

In a similar field of endeavor, Smith et al disclose an alarm system with a cellular transceiver (see column 5, lines 39-54) where only one communication path can be established between the cellular transceiver and the ultimate called destination (see column 5, lines 55-67), which reads on the claimed, "cellular transceiver configured to communicate with a cellular communication network," and the "path information indicating a predetermined transmission path over a network."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a conventional cellular telephone system and a predetermined path of communication in order to provide an efficient, cost-effective and reliable cellular-type telephone system included within an alarm system as suggested by Smith et al (see column 2, lines 47-55).

Regarding claim 15, the combination of Rieser et al and Smith et al discloses that when a base station packet is received at command center 150, it is processed and used among other things to alert personnel at the command center or in the field that a call for assistance has been received (see Rieser et al page 5, lines 1-11) which reads on the claimed "connection coupled to the processor and configured to communicate information corresponding to the emergency message and the associated data such that emergency assistance is summoned based upon the received emergency message and the data corresponding to the emergency message transceiver", where the claimed data corresponding to the emergency message transceiver may be location information (see Rieser et al page 6, lines 15-20).

Regarding claim 16, the combination of Rieser et al and Smith et al discloses that in one example, the beacon locator system has the feature of alerting campus police that there is a problem on campus in a particular location (see Rieser et al page 19, lines 18-25), which reads on the claimed "the associated data further includes information of interest so that the emergency assistance is informed of the information of interest corresponding to the emergency message transceiver generating the emergency message".

Regarding claim 17, the combination of Rieser et al and Smith et al discloses that in one example, the beacon locator system has the feature of alerting campus police that there is a problem on campus in a particular location (see Rieser et al page 19, lines 18-25), which reads on the claimed "the information of interest further includes location information so that the emergency assistance is directed to the location information corresponding to the emergency message transceiver generating the emergency message".

Regarding claim 28, Rieser et al discloses a system where a personal security transmitter, which reads on the claimed "second transceiver", sends a transmission packet signal to a base station (see page 5, lines 1-11), which reads on the claimed "first transceiver configured to detect a first emergency message from a second transceiver". The base station then sends a base station packet (see page 6, lines 15-20), which reads on the claimed "configured to transmit a second emergency message". The base station packet includes a base station identification number (see page 8, lines 3-11) which may give location through database lookup (see page 38, lines 26-29),



which reads on the claimed "identification code uniquely associated with the first transceiver such that a location of the second transceiver is approximated by determining the location of the first transceiver, the location of the first transceiver determined by associating the identification code with information residing in a database that includes at least the location of the first transceiver". Rieser fails to expressly disclose a cellular transceiver configured to communicate with a cellular communication network and a predetermined path.

In a similar field of endeavor, Smith et al disclose an alarm system with a cellular transceiver (see column 5, lines 39-54) where only one communication path can be established between the cellular transceiver and the ultimate called destination (see column 5, lines 55-67), which reads on the claimed, "cellular transceiver configured to communicate with a cellular communication network," and the communication over a "predetermined path." Further, the MTSO affects the communication path between the premises and the alarm monitoring station (see column 5, line 55 - column 6, line 14), which reads on the claimed, "third transceiver."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a conventional cellular telephone system and a predetermined path of communication in order to provide an efficient, cost-effective and reliable cellular-type telephone system included within an alarm system as suggested by Smith et al (see column 2, lines 47-55).

Regarding claim 29, the combination of Rieser et al and Smith et al discloses that the personal security transmitter sends a transmission packet signal having a transmitter identification number to a base station (see Rieser et al page 5, line 19 - page 6, line 14), and the base station creates a packet containing all the information contained in a transmission packet signal plus additional information (see page 6, lines 15-20), which reads on the claimed "the second emergency message transmitted by the first transceiver includes at least the identification code of the first transceiver".

Regarding claim 30, the combination of Rieser et al and Smith et al discloses that a personal security transmitter sends the first signal (see Rieser et al page 5, line 19 - page 6, line 3), which reads on the claimed "the second transceiver is a personal emergency message transceiver configured to generate the first emergency message".

Regarding claim 32, the combination of Rieser et al and Smith et al discloses that more than one base station typically receives the signal from the personal security transmitter and both generate messages and send them to the command center (see Rieser et al page 5, lines 1-11). Also the messages may each include base station identification numbers (see Rieser et al page 8, lines 3-11) and that all the base station packets received at the command center may be used to determine location information (see Rieser et al page 31, line 15 - page 32, line 12).

Regarding claim 33, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see page 4, lines 3-5) that uses a personal security transmitter with a identification number (see page 5, line 19 - page 6, line 3), which reads on the claimed

"system which communicates emergency messages". A personal security transmitter sends a transmission signal packet to a base station (see page 5, lines 1-11), which reads on the claimed "transceiver configured to receive an emergency message broadcasted through an emergency message transceiver network". The base station sends a message to a control center (see page 8, lines 12-22), which reads on the claimed "connection configured to couple the transceiver to an information communication device that is on". Information related to the message is displayed on a computer display at a command center (see page 11, line 28 - page 12, line 4), which reads on the claimed "signal processing unit configured to generate a signal corresponding to the emergency message such that a person viewing the information communication device is informed of the emergency message". Rieser fails to expressly disclose a cellular transceiver configured to communicate with a cellular communication network and a predetermined path.

In a similar field of endeavor, Smith et al disclose an alarm system with a cellular transceiver (see column 5, lines 39-54) where only one communication path can be established between the cellular transceiver and the ultimate called destination (see column 5, lines 55-67), which reads on the claimed, "cellular transceiver configured to communicate with a cellular communication network," and the communication over a "predetermined path."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a conventional cellular telephone system and a predetermined path of communication in

order to provide an efficient, cost-effective and reliable cellular-type telephone system included within an alarm system as suggested by Smith et al (see column 2, lines 47-55).

Regarding claim 35, the combination of Rieser et al and Smith et al discloses that the command center includes a display and may be implemented on a single personal computer (see Rieser et al page 15, line 30 - page 16, line 4).

Regarding claim 37, the combination of Rieser et al and Smith et al discloses the use of a command center (see Rieser et al page 5, lines 1-11), which reads on the claimed "security system control panel".

Regarding claims 41 and 70, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see page 4, lines 3-5) that uses a personal security transmitter with a identification number (see page 5, line 19 - page 6, line 3), which reads on the claimed "method for communicating emergency messages". A personal security transmitter having a transmitter identification number that is a unique number that can be used to identify the transmitter sends a transmission packet signal to a base station (see page 5, line 19 - page 6, line 14), which reads on the claimed "generating an emergency message with an emergency message transceiver, the emergency message having at least an identification code uniquely assigned to the emergency message transceiver" and "communicating the emergency message from the emergency message transceiver to a network transceiver". The base station sends a message to a control center (see page 8, lines 12-22), which reads on the claimed "the emergency message is

communicated over an intermediary communication system to an emergency message management controller". Rieser fails to expressly disclose a cellular transceiver configured to communicate with a cellular communication network and a predetermined path.

In a similar field of endeavor, Smith et al disclose an alarm system with a cellular transceiver (see column 5, lines 39-54) where only one communication path can be established between the cellular transceiver and the ultimate called destination (see column 5, lines 55-67), which reads on the claimed, "cellular transceiver configured to communicate with a cellular communication network," and the communication the message to a network transceiver that is designated as the next transceiver along a predetermined path through a network of transceivers," wherein the path includes at least the premises, the MTSO and the alarm monitoring station.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a conventional cellular telephone system and a predetermined path of communication in order to provide an efficient, cost-effective and reliable cellular-type telephone system included within an alarm system as suggested by Smith et al (see column 2, lines 47-55).

Regarding claim 42, the combination of Rieser et al and Smith et al discloses that the base station sends a message to a control center (see Rieser et al page 8, lines 12-22) and the medium over which the message is sent reads on the claimed intermediary communication system. The method must include the step of communicating the

emergency message onto the intermediary communication system before it is sent over that medium.

Regarding claim 71, the combination of Rieser et al and Smith et al discloses that the base station sends a message to a control center (see Rieser et al page 8, lines 12-22) and the medium over which the message is sent reads on the claimed intermediary communication system. The method must include the step of communicating the emergency message onto the intermediary communication system before it is sent over that medium.

Regarding claims 57 and 81, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see page 4, lines 3-5) that uses a personal security transmitter with a identification number (see page 5, line 19 - page 6, line 3), which reads on the claimed "method for communicating emergency messages". A personal security transmitter having a transmitter identification number that is a unique number that can by used to identify the transmitter sends a transmission packet signal to a base station (see page 5, line 19 - page 6, line 14), which reads on the claimed "receiving an emergency message broadcast from an emergency message transceiver, the emergency message having at least an identification code uniquely assigned to the emergency message transceiver". The transmitter identification number is used an index to a record in a database that contains personal identification information about the person to whom the transmitter was issued (see page 9, line 12 - page 10, line 2), which reads on the claimed "determining information relevant to the received emergency message by

associating the information with the identification code of the emergency message transceiver". When a base station packet is received at command center 150, it is processed and used to alert personnel at the command center or in the field that a call for assistance has been received (see page 5, lines 1-11), which reads on the claimed "communicating the emergency message and the relevant information such that assistance is summoned in response to the received emergency message". Rieser fails to expressly disclose a cellular transceiver configured to communicate with a cellular communication network and a predetermined path.

In a similar field of endeavor, Smith et al disclose an alarm system with a cellular transceiver (see column 5, lines 39-54) where only one communication path can be established between the cellular transceiver and the ultimate called destination (see column 5, lines 55-67), which reads on the claimed, "cellular transceiver configured to communicate with a cellular communication network," and the communication "along a predetermined path over a network of transceivers," wherein the path includes at least the premises, the MTSO and the alarm monitoring station.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a conventional cellular telephone system and a predetermined path of communication in order to provide an efficient, cost-effective and reliable cellular-type telephone system included within an alarm system as suggested by Smith et al (see column 2, lines 47-55).

Regarding claim 66, the combination of Rieser et al and Smith et al discloses that a base station generates a base station packet and sends it to a command center (see Rieser et al page 5, lines 1-11) and the base station packet includes the base station packet contains the transmitter identification number (see Rieser et al page 8, lines 3-11), which reads on the claimed "generating a second emergency message that is communicated to at least one second emergency message transceiver; and including within the generated second emergency message information describing of the emergency message".

Regarding claims 67 and 91, Rieser et al discloses a method and system for providing location dependent and personal identification information to a public safety answering point (see page 4, lines 3-5) that uses a personal security transmitter with a identification number (see page 5, line 19 - page 6, line 3), which reads on the claimed "method for communicating emergency messages". A personal security transmitter having a transmitter identification number that is a unique number that can by used to identify the transmitter sends a transmission packet signal to a base station (see page 5, line 19 - page 6, line 14), which reads on the claimed "receiving an emergency message broadcast from an emergency message transceiver, the emergency message having information of interest associated with an emergency message transceiver". Information is displayed on a computer display at a command center (see page 11, line 28 - page 12, line 4), which reads on the claimed "communicating the emergency message and the information of interest to a display device". Rieser fails to expressly



disclose a cellular transceiver configured to communicate with a cellular communication network and a predetermined path.

In a similar field of endeavor, Smith et al disclose an alarm system with a cellular transceiver (see column 5, lines 39-54) where only one communication path can be established between the cellular transceiver and the ultimate called destination (see column 5, lines 55-67), which reads on the claimed, "cellular transceiver configured to communicate with a cellular communication network," and the "predetermined transmission path that messages from the emergency message transceiver are to follow over a transceiver network," wherein the path includes at least the premises, the MTSO and the alarm monitoring station.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a conventional cellular telephone system and a predetermined path of communication in order to provide an efficient, cost-effective and reliable cellular-type telephone system included within an alarm system as suggested by Smith et al (see column 2, lines 47-55).

Regarding claim 94, Rieser et al disclose a method and system for providing location dependent and personal identification information to a public safety answering point (see page 4, lines 3-5) that uses a personal security transmitter with a identification number (see page 5, line 19 - page 6, line 3), which reads on the claimed "emergency communication device." A personal security transmitter having a transmitter identification number that is a unique number that can by used to identify the

transmitter sends a transmission packet signal to a base station (see page 5, line 19 - page 6, line 14), which reads on the claimed, "emergency message transceiver for communicating emergency messages to at least one of a plurality of transceivers in a transceiver network, the at least one transceiver configured to communicate with a site controller for distributing the emergency message," wherein a signal received at a base station is transmitted to a command center, and then a command center packet is transmitted to base stations (see figures 2A and 2B). Rieser fails to expressly disclose a cellular transceiver configured to communicate with a cellular communication network and a predetermined path.

In a similar field of endeavor, Smith et al disclose an alarm system with a cellular transceiver (see column 5, lines 39-54) where only one communication path can be established between the cellular transceiver and the ultimate called destination (see column 5, lines 55-67), which reads on the claimed, "cellular transceiver configured to communicate with a cellular communication network," and the communication over a "predetermined path."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a conventional cellular telephone system and a predetermined path of communication in order to provide an efficient, cost-effective and reliable cellular-type telephone system included within an alarm system as suggested by Smith et al (see column 2, lines 47-55).

Regarding claim 95, Rieser et al fail to disclose the emergency message transceiver and the cellular transceiver are the same transceiver configured to communicate with the transceiver network and the cellular communication network.

In a similar field of endeavor, Smith et al disclose an emergency system that can be used with a conventional cellular telephone system (see column 3, lines 15-40), which reads on the claimed, "the emergency message transceiver and the cellular transceiver are the same transceiver configured to communicate with the transceiver network and the cellular communication network."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a conventional cellular telephone system in order to integrate the device into communications systems presently and soon to be in existence as suggested by Smith et al (see column 2, lines 46-50).

Regarding claim 96, Rieser et al fail to disclose that the transceiver network is configured to detect emergency calls provided by the cellular transceiver.

In a similar field of endeavor, Smith et al disclose calls received from the cellular telephone and identified as emergency calls may be routed by the base station to an emergency services dispatcher (see column 3, lines 25-40), which reads on the claimed, "the transceiver network is configured to detect emergency calls provided by the cellular transceiver."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Smith et al to include the above use of a

conventional cellular telephone system in order to integrate the device into communications systems presently and soon to be in existence as suggested by Smith et al (see column 2, lines 46-50).

Regarding claim 97, the combination of Rieser et al and Smith et al discloses a personal security transmitter having a transmitter identification number that is a unique number that can be used to identify the transmitter sends a transmission packet signal to a base station (see Rieser et al page 5, line 19 - page 6, line 14), which reads on the claimed "each of the plurality of transceivers in the transceiver network has a unique identification code."

Regarding claim 98, the combination of Rieser et al and Smith et al discloses a personal security transmitter having a transmitter identification number that is a unique number that can be used to identify the transmitter sends a transmission packet signal to a base station (see Rieser et al page 5, line 19 - page 6, line 14), which reads on the claimed, "each of the plurality of transceivers in the transceiver network is configured to communicate with at least one other transceiver in the transceiver network."

Regarding claims 3, 22, 44 and 73, the combination of Rieser et al and Smith et al discloses that the message sent from the base station to the command center is in packet form (see Rieser et al page 14, lines 16-26) and may be transmitted using a modem (see Rieser et al page 8, lines 12-22), which reads on the claimed invention that converts the message into a digital signal and the intermediary communication system is a portion of a digital communication system.

Regarding claims 4, 23, 45 and 74, the combination of Rieser et al and Smith et al discloses that the base station packets may be sent by several means of communication, however, one method disclosed is a modem and a commercial telephone line (see Rieser et al page 8, lines 12-22), which reads on the claimed invention that converts a signal suitable for transmission over the PSTN and the intermediary communication system further comprises a portion of a public switched telephone network.

Regarding claims 8, 27 and 49, the combination of Rieser et al and Smith et al discloses that the message sent from the base station to the command center is in packet form (see Rieser et al page 14, lines 16-26) and is transmitted with a modem and a commercial telephone line (see Rieser et al page 8, lines 12-22), which reads on the claimed invention where the intermediary communication system comprises a combination of portions of at least a digital communication system and a public switched telephone network.

Regarding claims 18, 58, 59, 82 and 83 the combination of Rieser et al and Smith et al discloses that the transmitter identification number is used to retrieve personal identification information, such as the person's name, address, and medical history (see Rieser et al page 9, line 12 - page 10, line 2).

Regarding claims 20, 60 and 84, the combination of Rieser et al and Smith et al discloses that the database may also contain the name and address of a person to contact in the case of an emergency (see Rieser et al page 9, line 12 - page 10, line 2).

Regarding claims 34, 68 and 92, the combination of Rieser et al and Smith et al discloses that the command center includes a display and may be implemented on a single personal computer (see Rieser et al page 15, line 30 - page 16, line 4). Page 25 of the specification defines an always-on device to be an appliance that is probably on for periods of time such that a person viewing the appliance for its normal intended use is likely to be notified of a received emergency message, and a personal computer is expressly included as an always-on appliance. The command center reads on the claimed always on appliance.

Regarding claims 63, 87 and 90, the combination of Rieser et al and Smith et al discloses that more than one base station may receive the transmission signal packet from a personal security transmitter (see Rieser et al page 5, lines 1-11) but the closest base station is then determined for the subsequent steps (see Rieser et al page 10, lines 3-10), which reads on the claimed "receiving a second emergency message from a second emergency message transceiver" and "determining that the received emergency message is to be disregarded".

Claims 2, 5-7, 21, 24-26, 43, 46-48, 72 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Smith et al and further in view of Antonucci et al (US 2001/0021646 A1).

Regarding claims 2, 5-7, 21, 24-26, 43, 46-48, 72 and 75, the combination of Rieser et al and Smith et al discloses that the base station may be connected to the command center using a modem and a telephone line (see Rieser et al page 8, lines

12-22 and page 14, lines 16-26). Rieser et al fails to expressly disclose that the base station may be connected to the command center via the Internet.

In a similar field of endeavor, Antonucci et al discloses a system and method for routing special number calls with an emergency service complex ESC1 62 that serves a plurality of service providers 66, including a Internet service provider (ISP) 72 and a wireless service provider (WSP) 70.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Antonucci et al such that the command center is connected to the base station also using the Internet in order to take advantage of the benefits of the internet such as standardization and ease of setting up the system.

Claims 9-11, 19, 50-53, 61, 76-79 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Smith et al and further in view of Wheeler et al (US 20020072348A1).

Regarding claims 9, 50 and 76 the combination of Rieser et al and Smith et al fails to expressly disclose how the system is activated.

In a similar field of endeavor, Wheeler et al discloses an emergency system that may be activated by a strong impact sensor, a heat sensor, a medical sensor, or other sensors (see paragraph 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Wheeler et al

such that the system is activated by one of the above sensors in order to automatically trigger a request for emergency services in a case where a person is unable to do so.

Regarding claims 10, 11, 51-53 and 77-79, the combination of Rieser et al and Smith et al fails to expressly disclose how the system is activated.

In a similar field of endeavor, Wheeler et al discloses an emergency system that may be activated by a panic button on the device or a particular keying sequence (see paragraph 10).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Wheeler et al such that the system is activated by the above panic button or keys in order to allow a user to activate the system whenever the user feels it is necessary.

Regarding claims 19, 61 and 85, the combination of Rieser et al and Smith et al discloses a database associating the transmitter identification number with a user and medical history (see Rieser et al page 9, line 12 - page 10, line 2). Rieser et al fails to expressly disclose that the information of interest is used to determine the nature of the emergency.

In a similar field of endeavor, Wheeler et al discloses that a personal profile is maintained that may include information such as medical history allergies and insurance or medical plan information (see paragraph 8) and that the trigger may include medical sensors such as cessation of heart beat (see paragraph 10). Wheeler et al further discloses upon receiving a request for emergency services, security monitoring center 108 may immediately and automatically determine the physical location of the requestor



as well as the requestors personal profile and dispatch appropriate personnel from emergency services pool 110 as necessary in view of the nature of the emergency, the location of the requestor and the personal profile of the requestor (see paragraph 11).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Wheeler et al to include the above use of the personal profile in order to allow the best response and care according to the specific conditions of the user.

Claims 12, 31, 54, 62, 80 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Smith et al, and further in view of Tendler (US005555286A).

Regarding claims 12 and 31, the combination of Rieser et al and Smith et al fails to disclose how the system is activated.

In a similar field of endeavor, Tendler discloses an emergency system that is activated by dialing 911 (see column 2, lines 41-59).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Tendler to include the above activation by dialing 911 in order to provide a means for activation that is universally known and requires no special knowledge of activation on the part of the user.

Regarding claims 54, 62, 80 and 86, the combination of Rieser et al and Smith et al discloses that information associated with the transmitter number in a database may

include the person's name and address (see Rieser et al page 9, line 12 - page 10, line 2). The combination of Rieser et al and Smith et al fails to disclose that the system is activated by dialing 911.

In a similar field of endeavor, Tendler discloses an emergency system that is activated by dialing 911 (see column 2, lines 41-59).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieser et al with Tendler to include the above activation by dialing 911 in order to provide a means for activation that is universally known and requires no special knowledge of activation on the part of the user.

Claims 36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Smith et al, and further in view of Hunter et al (US 20030069002A1).

Regarding claim 36, the combination of Rieser et al and Smith et al fails to expressly disclose that the information communication device is a cable television box.

In a similar field of endeavor, Hunter et al discloses that an emergency notification broadcaster used to turn on a viewing or listening device may be a cable box (see paragraph 68).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Hunter et al to include the above use of a cable box in order to take advantage of common household items capable of displaying information.

Regarding claim 38, the combination of Rieser et al and Smith et al fails to expressly disclose that the information communication device is a pager.

In a similar field of endeavor, Hunter et al discloses that a device for displaying emergency notification content to a corresponding user may be a pager (see page 5, lines 1-11).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Hunter et al to include the above use of a pager in order to provide a small, lightweight and portable device.

Regarding claim 39, the combination of Rieser et al and Smith et al fails to expressly disclose that the system is configured to be able to request additional information.

In a similar field of endeavor, Hunter et al discloses in response to an alert received at a host facility, the host facility may notify the appropriate emergency management service or request more information from the device (see paragraph 114).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Hunter et al such that the system is able to request additional information from the device in order to allow better selection of the appropriate emergency management service.

Claims 40 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Smith et al, and further in view of Manis et al (US 20030133473A1).

Regarding claims 40 and 69, the combination of Rieser et al and Smith et al fails to disclose the use of communicating using a power line carrier.

In a similar field of endeavor, Manis et al discloses a system where power lines are used as a transmission medium for information to be communicated (see paragraph 2 and 7).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Manis et al to include the above use of power lines to communicate data in order to take advantage of a network that is already in place and readily available as suggested by Manis et al (see paragraph 7).

Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieser et al in view of Smith et al, and further in view of Struhsaker (US 20020098858A1).

Regarding claim 55, the combination of Rieser et al and Smith et al fails to disclose prioritizing messages.

In a Similar field of endeavor, Struhsaker discloses a system where when a call to an emergency dispatch center is detected, priority is given to the call and a resource reallocator is operable to reallocate the allocation of communication resources in the

communication system to permit the establishment of the call. The reallocation may include, for instance, termination of ongoing communication sessions to make available the communication resources to permit the call to the emergency dispatch center (see paragraph 62), which reads on the claimed "indicating that the emergency message is a high priority message, and wherein the step of communicating the emergency message from the emergency message transceiver to the network further comprises the step of halting other communications such that the emergency message is communicated on a high priority basis".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Struhsaker to include the above reallocation of resources for an emergency call in order to ensure that emergency messages are completed.

Regarding claim 56, the combination of Rieser et al and Smith et al fails to disclose prioritizing messages.

In a similar field of endeavor, Struhsaker discloses a system where when a call to an emergency dispatch center is detected, priority is given to the call and a resource reallocator is operable to reallocate the allocation of communication resources in the communication system to permit the establishment of the call. The reallocation may include, for instance, termination of ongoing communication sessions to make available the communication resources to permit the call to the emergency dispatch center (see paragraph 62), which reads on the claimed "indicating that the emergency message is a high priority message from the emergency message transceiver to the network further

comprises the step of creating bandwidth such that the emergency message is communicated on a high priority basis.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Rieser et al and Smith et al with Struhsaker to include the above reallocation of resources for an emergency call in order to ensure that emergency messages are completed.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-63, 66-87, 90-92 and 94-98 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bryan Fox  
December 9, 2007

  
CHARLES N. APPIAH  
SUPERVISORY PATENT EXAMINER